

REMARKS

In response to the above-identified Office Action, Applicant seeks reconsideration of the application. In this response, no claims are canceled, Claims 1, 10 and 16 are amended and Claims 21 and 22 are added. Accordingly, Claims 1-5, 7-19, 21 and 22 are pending.

I. Claims Rejected Under 35 U.S.C. §103(a)

In the Office Action, the Examiner has rejected Claims 1, 3, 4 and 7-19 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,623,637 issued to Jones et al. (Jones). Applicant respectfully traverses this rejection.

Applicant submits that Claim 1 is not obvious over Jones. Particularly, Applicant submits that Jones does not teach or suggest providing a partition that is invisible to an operating system unless the partition is unlocked.

In rejecting Claim 1, the Examiner admits that Jones does not teach a partition that is invisible to an operating system unless unlocked. Rather, Jones teaches a partition that is inaccessible by any device driver software until the partition is unlocked, citing column 5, lines 54-59 of Jones. In this regard, the Examiner asserts that "[i]t would have been obvious to one of ordinary skill in the art to make certain partitions inaccessible to any device driver software unless unlocked by an authorization signal, because this prevents the secured partition from exchanging information with the host," citing column 4, lines 47-50 of Jones.

It appears that the Examiner is attempting to equate Jones' partition that is inaccessible to any device driver software unless unlocked by an authorization signal with a partition that is invisible to an operating system as recited by Applicant. However, Applicant submits that blocking access to a device driver software as taught by Jones is entirely different from the claimed limitation "providing a partition ... [that] is invisible to an operating system ... unless the partition is unlocked." Applicant notes that when a partition is invisible to an operating system, software, including device driver, will not be able to gain knowledge about the secure partition or know that such partition exists. Such security mechanism provides additional security to protect the software and data stored in the secure partition against accidentally or intentionally deleted or corrupted.

Applicant finds no teaching or suggestion of locking or unlocking of a partition to make the partition invisible or visible to an operating system in Jones. Instead, the secure partition

taught by Jones is always visible to the operating system, including the device driver software. A portion of Jones cited by the Examiner teaches that any attempt to access the secure partition will be rejected and the device driver software will be notified that a valid password must be provided. (Jones, column 5, lines 54-61). As set forth Jones, the secure partition taught by Jones is always visible to the device driver software. As such, what Jones teaches and accomplishes is wholly different from and does not teach what claimed by Applicant.

Moreover, Applicant submits that Jones fails to teach or suggest providing a software task having knowledge about a proper handshake to unlock the partition such that the partition that was previously invisible to the operating system becomes visible to the operating system, as recited in Claim 1. As noted above, there is no locking or unlocking mechanism in Jones that can make a partition become invisible or visible to an operating system and therefore, there is no software task taught by Jones that can unlock a partition such that the partition that was previously invisible to the operating system becomes visible to the operating system.

Furthermore, Applicant submits that Jones fails to teach or suggest unlocking the partition in response to an unlock request received from the software task having knowledge about the handshake to unlock the partition, wherein the partition is visible to the operating system when unlocked. As noted above, the secure partition taught by Jones is always visible to the operating system and therefore the partition is always in the unlocked mode. As such, Jones teaches away from what is claimed by Applicant. That is, unlocking a partition to enable the partition to become visible to the operating system cannot be taught by a secure partition that is always visible to the operating system as disclosed in Jones.

In view of the foregoing, Applicant respectfully submits that independent Claim 1 is patentable over Jones and requests withdrawal of the rejection of independent Claim 1. Regarding dependent Claims 3, 4, and 7-9, Applicant submits that these claims are not obvious over Jones at least for the same reasons given in connection with their base Claim 1.

As to independent Claim 10, Applicant has amended this claim to clarify that the operation of unlocking the secure-private partition is accomplished such that the partition that was previously invisible to an operating system becomes visible to the operating system. As noted above, Jones does not teach or suggest locking or unlocking of a partition to make the partition invisible or visible to an operating system. Instead, the secure partition taught by Jones is always visible to the operating system. Accordingly, Jones fails to teach or suggest unlocking

the secure-private partition in response to the unlocking request such that the partition that was previously invisible to an operating system becomes visible to the operating system, as recited in Claim 10. As such, Applicant respectfully submits that independent Claim 10 is patentable over Jones and requests withdrawal of the rejection of independent Claim 10. Regarding dependent Claims 11-15, Applicant submits that these claims are not obvious over Jones at least for the same reasons given in connection with their base Claim 10.

With respect to independent Claim 16, Applicant submits that Jones fails to teach a secure-private partition that is invisible to an operating system when it is locked and is visible to the operating system when it is unlocked, as recited by Applicant. At least for this reason, Applicant submits that independent Claim 16 is patentable over Jones and requests withdrawal of the rejection of independent Claim 16 and dependent Claims 17-19 are submitted as being not obvious over Jones at least for the same reasons given in connection with their base Claim 16.

In the Office Action, the Examiner has rejected Claims 2 and 5 under 35 U.S.C. §103(a) as being unpatentable over Jones in view of U.S. Patent No. 5,485,439 issued to Hamasaka et al. (Hamasaka). Applicant respectfully traverses this rejection.

As Claims 2 and 5 are dependent on independent Claim 1, the discussion above with regard to the independent Claim 1 and Jones applies here. Because Jones does not contain limitations recited in Applicant's independent Claim 1 as set forth above, and because Hamasaka does not cure these deficiencies, the combination of Jones and Hamasaka does not teach or suggest Applicant's dependent claims. Therefore, Claims 2 and 5 are patentable over Jones in view of Hamasaka.

II. New Claims

Applicant respectfully submits that the New Claims 21 and 22 are supported by the original disclosure. As to New Claims 21 and 22, Applicant incorporates its prior arguments with respect to their base Claims 1 and 16. At least for this reason, Applicant is of the opinion that New Claims 21 and 22 are allowable.

CONCLUSION

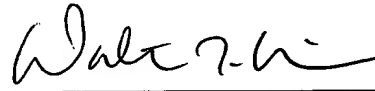
In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance, and such action is earnestly solicited at the earliest possible date. If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly, extension of time fees. If a telephone interview would expedite the prosecution of this Application, the Examiner is invited to contact the undersigned at (310) 207-3800.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

Dated: April 28, 2004

By:



Walter T. Kim, Reg. No. 42,731

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025
(310) 207-3800

CERTIFICATE OF MAILING:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

April 28, 2004


Marilyn Bass

April 28, 2004